

**SENATE, No. 2314**

---

**STATE OF NEW JERSEY**

**213th LEGISLATURE**

---

INTRODUCED OCTOBER 27, 2008

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Co-Sponsored by:**

**Senator Beck**

**SYNOPSIS**

Requires holders of special learner's permits, examination permits, and provisional driver's licenses to display certain decals.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/14/2008)**

1 AN ACT concerning special learner's permits, examination permits,  
2 and provisional driver's licenses and amending various parts of  
3 the statutory law.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to  
9 read as follows:

10 6. a. Any person to whom a special learner's permit has been  
11 issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon  
12 successful completion of a State approved written examination, eye  
13 examination and an approved minimum six-hour behind-the-wheel  
14 driving course, shall be entitled to retain the special learner's permit  
15 in his own possession. The special learner's permit shall be  
16 validated by the **[division]** commission for the purpose of driving a  
17 motor vehicle on a public highway in this State after the holder has  
18 successfully met the necessary examination requirements, and upon  
19 the successful completion of a behind-the-wheel driving course.  
20 Such person may operate a motor vehicle of the class for which a  
21 basic driver's license is required except during the hours between  
22 11:01 p.m. and 5:00 a.m. while in the company and under the  
23 supervision, from the front passenger seat, of a licensed motor  
24 vehicle driver of this State who is over 21 years of age and has been  
25 licensed to drive a passenger automobile for at least three years.  
26 Such special permit shall be valid until such person's seventeenth  
27 birthday or until he qualifies for a provisional license. Except  
28 during an instructional period of a behind-the-wheel driving course,  
29 the holder of a special permit shall operate a passenger automobile  
30 with only the following passengers: (1) the supervising passenger;  
31 (2) persons who share the permit holder's residence; and (3) one  
32 additional passenger who does not reside with the permit holder.  
33 The holder of the special learner's permit shall not use any  
34 interactive wireless communication device, except in an emergency,  
35 while operating a moving passenger automobile on a public road or  
36 highway. "Use" shall include, but not be limited to, talking or  
37 listening on any interactive wireless communication device or  
38 operating its keys, buttons or other controls. All occupants of the  
39 automobile shall be secured in a properly adjusted and fastened seat  
40 belt or child restraint system.

41 The chief administrator shall provide the holder of a special  
42 learner's permit with two removable, transferable, highly visible,  
43 reflective decals indicating that the driver of the vehicle may be the  
44 holder of a special learner's permit. The decals shall be designed  
45 by the chief administrator. The chief administrator may charge a

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 fee for the decals not to exceed the actual cost of producing and  
2 distributing the decals. The decals shall be displayed on the front  
3 and back of the vehicle while the vehicle is being driven by the  
4 holder of a special learner's permit, in a manner prescribed by the  
5 chief administrator, provided they are clearly visible to law  
6 enforcement officers. The holder of a special learner's permit shall  
7 not operate a vehicle unless the decals are displayed. The decal  
8 shall be removed once the driver's special learner's permit period  
9 has ended.

10 b. When notified by a court of competent jurisdiction that a  
11 special learner's permit holder has been convicted of a violation  
12 which causes the permit holder to accumulate more than two motor  
13 vehicle points or has been convicted of a violation of R.S.39:4-50;  
14 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189  
15 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of  
16 N.J.S.2C:12-1 or any other motor vehicle-related law the **[director]**  
17 chief administrator determines to be significant and applicable  
18 pursuant to regulation, and in addition to any other penalty that may  
19 be imposed, the **[director]** chief administrator shall, without the  
20 exercise of discretion or a hearing, suspend the holder's special  
21 learner's permit for 90 days. The **[director]** chief administrator  
22 shall restore the permit following the term of the permit suspension  
23 if the permit holder, regardless of age, satisfactorily completes a  
24 remedial training course of not less than four hours which may be  
25 given by the **[division]** commission, a drivers' school licensed by  
26 the **[director]** chief administrator pursuant to section 2 of P.L.1951,  
27 c.216 (C.39:12-2) or any statewide safety organization approved by  
28 the **[director]** chief administrator. The course shall be administered  
29 pursuant to rules and regulations promulgated by the **[director]**  
30 chief administrator and subject to oversight by the **[division]**  
31 commission. The authority of the **[director]** chief administrator to  
32 suspend, revoke or deny issuance of an initial or renewal license to  
33 operate a drivers' school or an instructor's license, and to assess  
34 fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to  
35 any violations related to the administration of a remedial training  
36 course. The permit holder shall also remit a course fee prior to the  
37 commencement of the course. If, after completion of the remedial  
38 training course, the **[director]** chief administrator is notified by a  
39 court of competent jurisdiction that the special learner's permit  
40 holder has been convicted of any motor vehicle violation which  
41 results in the imposition of any motor vehicle points or has been  
42 convicted of a violation of R.S.39:4-50; section 2 of P.L.1981,  
43 c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-  
44 129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other  
45 motor vehicle-related law the **[director]** chief administrator deems  
46 significant and applicable pursuant to regulation, the **[director]**  
47 chief administrator, without the exercise of discretion or a hearing,

1 shall also postpone the issuance of a basic license for 90 days.  
2 When the [director] chief administrator is notified by a court of  
3 competent jurisdiction that a special learner's permit holder has  
4 been convicted of any alcohol or drug-related offense unrelated to  
5 the operation of a motor vehicle and he is not otherwise subject to  
6 any other suspension penalty therefor, the [director] chief  
7 administrator shall, without the exercise of discretion or a hearing,  
8 suspend the special learner's permit for six months.  
9 (cf: P.L.2001, c.420, s.7)

10  
11 2. R.S.39:3-13 is amended to read as follows:

12 39:3-13. The chief administrator may, in his discretion, issue to  
13 a person over 17 years of age an examination permit, under the  
14 hand and seal of the chief administrator, allowing such person, for  
15 the purpose of fitting himself to become a licensed driver, to  
16 operate a designated class of motor vehicles other than passenger  
17 automobiles and motorcycles of persons licensed to operate  
18 motorcycles only for a specified period of not more than 90 days,  
19 while in the company and under the supervision of a driver licensed  
20 to operate such designated class of motor vehicles.

21 The chief administrator, in his discretion, may issue for a  
22 specified period of not less than one year a passenger automobile or  
23 motorcycle-only examination permit to a person over 17 years of  
24 age regardless of whether a person has completed a course of  
25 behind-the-wheel automobile driving education pursuant to section  
26 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit  
27 applicant who is under 18 years of age shall obtain the signature of  
28 a parent or guardian for submission to the commission on a form  
29 prescribed by the chief administrator. The chief administrator shall  
30 postpone for six months the driving privileges of any person who  
31 submits a fraudulent signature for a parent or guardian.

32 For six months immediately following the validation of an  
33 examination permit, and until the holder passes the road test, the  
34 holder who is less than 21 years of age shall operate the passenger  
35 automobile or motorcycle only when accompanied by, and under  
36 the supervision of, a New Jersey licensed driver who is at least 21  
37 years of age and has been licensed to drive a passenger automobile  
38 or motorcycle, as the case may be, for not less than three years.  
39 The holder of an examination permit who is at least 21 years of age  
40 shall operate the passenger automobile or motorcycle for the first  
41 three months under such supervision and until the holder passes the  
42 road test. The supervising driver of the passenger automobile shall  
43 sit in the front seat of the vehicle. Whenever operating a vehicle  
44 while in possession of an examination permit, the holder of the  
45 permit shall operate the passenger automobile with only one  
46 additional passenger in the vehicle excluding persons with whom  
47 the holder resides, except that this passenger restriction shall not  
48 apply when either the permit holder or one other passenger is at

1 least 21 years of age. Further, the holder of the permit who is less  
2 than 21 years of age shall not drive during the hours between 12:01  
3 a.m. and 5 a.m.; provided, however, that this condition may be  
4 waived for an emergency which, in the judgment of local police, is  
5 of sufficient severity and magnitude to substantially endanger the  
6 health, safety, welfare or property of a person, or for any bona fide  
7 employment or religion-related activity if the employer or  
8 appropriate religious authority provides written verification of such  
9 activity in a manner provided for by the **[director]** chief  
10 administrator. The holder of the examination permit shall not use  
11 any interactive wireless communication device, except in an  
12 emergency, while operating a moving passenger automobile on a  
13 public road or highway. "Use" shall include, but not be limited to,  
14 talking or listening on any interactive wireless communication  
15 device or operating its keys, buttons or other controls. The  
16 passenger automobile permit holder shall ensure that all occupants  
17 of the vehicle are secured in a properly adjusted and fastened seat  
18 belt or child restraint system.

19 The chief administrator shall provide the holder of an  
20 examination permit with two removable, transferable, highly  
21 visible, reflective decals indicating that the driver of the vehicle  
22 may be the holder of an examination permit. The decals shall be  
23 designed by the chief administrator. The chief administrator may  
24 charge a fee for the decals not to exceed the actual cost of  
25 producing and distributing the decals. The decals shall be displayed  
26 on the front and back of the vehicle while the vehicle is being  
27 driven by the holder of an examination permit, in a manner  
28 prescribed by the chief administrator, provided they are clearly  
29 visible to law enforcement officers. The holder of an examination  
30 permit shall not operate a vehicle unless the decals are displayed.  
31 The decal shall be removed once the driver's examination permit  
32 period has ended.

33 When notified by a court of competent jurisdiction that an  
34 examination permit holder has been convicted of a violation which  
35 causes the permit holder to accumulate more than two motor vehicle  
36 points or has been convicted of a violation of R.S.39:4-50; section 2  
37 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14);  
38 R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any  
39 other motor vehicle-related law the chief administrator deems  
40 significant and applicable pursuant to regulation, in addition to any  
41 other penalty that may be imposed, the chief administrator shall,  
42 without the exercise of discretion or a hearing, suspend the  
43 examination permit holder's examination permit for 90 days. The  
44 chief administrator shall restore the permit following the term of the  
45 permit suspension if the permit holder satisfactorily completes a  
46 remedial training course of not less than four hours which may be  
47 given by the commission, a drivers' school licensed by the chief  
48 administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2)

1 or any Statewide safety organization approved by the chief  
2 administrator. The course shall be subject to oversight by the  
3 commission according to its guidelines. The permit holder shall  
4 also remit a course fee prior to the commencement of the course.  
5 The chief administrator also shall postpone without the exercise of  
6 discretion or a hearing the issuance of a basic license for 90 days if  
7 the chief administrator is notified by a court of competent  
8 jurisdiction that the examination permit holder, after completion of  
9 the remedial training course, has been convicted of any motor  
10 vehicle violation which results in the imposition of any motor  
11 vehicle points or has been convicted of a violation of R.S.39:4-50;  
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182  
13 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of  
14 N.J.S.2C:12-1 or any other motor vehicle-related law the chief  
15 administrator deems significant and applicable pursuant to  
16 regulation. When the chief administrator is notified by a court of  
17 competent jurisdiction that an examination permit holder has been  
18 convicted of any alcohol or drug-related offense unrelated to the  
19 operation of a motor vehicle and is not otherwise subject to any  
20 other suspension penalty therefor, the chief administrator shall,  
21 without the exercise of discretion or a hearing, suspend the  
22 examination permit for six months.

23 An examination permit for a motorcycle or a commercial motor  
24 vehicle issued to a handicapped person, as determined by the New  
25 Jersey Motor Vehicle Commission after consultation with the  
26 Department of Education, shall be valid for nine months or until the  
27 completion of the road test portion of his license examination,  
28 whichever period is shorter.

29 Each permit shall be sufficient license for the person to operate  
30 such designated class of motor vehicles in this State during the  
31 period specified, while in the company of and under the control of a  
32 driver licensed by this State to operate such designated class of  
33 motor vehicles, or, in the case of a commercial driver license  
34 permit, while in the company of and under the control of a holder of  
35 a valid commercial driver license for the appropriate license class  
36 and with the appropriate endorsements issued by this or any other  
37 state. Such person, as well as the licensed driver, except for a motor  
38 vehicle examiner administering a driving skills test, shall be held  
39 accountable for all violations of this subtitle committed by such  
40 person while in the presence of the licensed driver. In addition to  
41 requiring an applicant for an examination permit to submit  
42 satisfactory proof of identity and age, the chief administrator also  
43 shall require the applicant to provide, as a condition for obtaining  
44 the permit, satisfactory proof that the applicant's presence in the  
45 United States is authorized under federal law. If the chief  
46 administrator has reasonable cause to suspect that any document  
47 presented by an applicant as proof of identity, age or legal residency  
48 is altered, false or otherwise invalid, the chief administrator shall

1 refuse to grant the permit until such time as the document may be  
2 verified by the issuing agency to the chief administrator's  
3 satisfaction.

4 The holder of an examination permit shall be required to take a  
5 road test in order to obtain a provisional license. No road test for  
6 any person who has been issued an examination permit to operate a  
7 passenger vehicle shall be given unless the person has met the  
8 requirements of this section. No road test for a provisional license  
9 shall be given unless the applicant has first secured an examination  
10 permit and no such road test shall be scheduled for an applicant  
11 who has secured an examination permit for a passenger vehicle or a  
12 motorcycle for which an endorsement is not required until at least  
13 six months for an applicant under 21 years of age or three months  
14 for an applicant 21 years of age or older shall have elapsed  
15 following the validation of the examination permit for practice  
16 driving or, in the case of an examination permit for other vehicles,  
17 until 20 days have elapsed. In the case of an omnibus endorsement  
18 or school bus, no road test shall be scheduled until at least 10 days  
19 shall have elapsed. Every applicant for an examination permit to  
20 qualify for an omnibus endorsement or an articulated vehicle  
21 endorsement shall be a holder of a valid basic driver's license.

22 The required fees for special learners' permits and examination  
23 permits shall be as follows:

24  
25 Basic driver's license.....up to \$10  
26  
27 Motorcycle license or endorsement.....\$ 5  
28  
29 Omnibus or school bus endorsement.....\$25  
30

31 The chief administrator shall waive the payment of fees for  
32 issuance of examination permits for omnibus endorsements  
33 whenever the applicant establishes to the chief administrator's  
34 satisfaction that said applicant will use the omnibus endorsement  
35 exclusively for operating omnibuses owned by a nonprofit  
36 organization duly incorporated under Title 15 or 16 of the Revised  
37 Statutes or Title 15A of the New Jersey Statutes.

38 The specified period for which a permit is issued may be  
39 extended for not more than an additional 60 days, without payment  
40 of added fee, upon application made by the holder thereof, where  
41 the holder has applied to take the examination for a driver's license  
42 prior to the expiration of the original period for which the permit  
43 was issued and the chief administrator was unable to schedule an  
44 examination during said period.

45 As a condition for the issuance of an examination permit under  
46 this section, the chief administrator shall secure a digitized picture  
47 of the applicant. The picture shall be stored in a manner prescribed

1 by the chief administrator and may be displayed on the examination  
2 permit.

3 The chief administrator may require that whenever a person to  
4 whom an examination permit has been issued has reconstructive or  
5 cosmetic surgery which significantly alters the person's facial  
6 features, the person shall notify the chief administrator who may  
7 require the picture of the person to be updated.

8 Specific use of the examination permit and any information  
9 stored or encoded, electronically or otherwise, in relation thereto  
10 shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and  
11 the federal Driver's Privacy Protection Act of 1994, Pub. L.103-  
12 322. Notwithstanding the provisions of any other law to the  
13 contrary, the digitized picture or any access thereto or any use  
14 thereof shall not be sold, leased or exchanged for value.  
15 (cf: P.L.2003, c.204, s.4)

16

17 3. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to  
18 read as follows:

19 4. a. The holder of a special learner's permit shall be entitled  
20 to a provisional driver's license (1) upon attaining the age of 17  
21 years, (2) upon the satisfactory completion of an approved behind-  
22 the-wheel automobile driving education course as indicated upon  
23 the face of the special permit over the signature of the principal of  
24 the school or the person operating the drivers' school in which the  
25 course was conducted, (3) upon the completion of six months'  
26 driving experience with a validated special learner's permit in  
27 compliance with the provisions of section 6 of P.L.1977, c.25  
28 (C.39:3-13.2a) and (4) upon passing the road test pursuant to  
29 R.S.39:3-10.

30 b. The holder of a provisional license shall be permitted to  
31 operate the passenger automobile with only one additional  
32 passenger in the vehicle besides persons with whom the holder  
33 resides, except that this passenger restriction shall not apply when  
34 either the holder of the provisional license or one other passenger is  
35 at least 21 years of age. Further, the holder of the provisional  
36 license who is under 21 years of age shall not drive during the hours  
37 between 12:01 a.m. and 5 a.m.; provided however, that this  
38 condition may be waived for an emergency which, in the judgment  
39 of local police, is of sufficient severity and magnitude to  
40 substantially endanger the health, safety, welfare or property of a  
41 person or for any bona fide employment or religion-related activity  
42 if the employer or appropriate religious authority provides written  
43 verification of such activity in a manner provided for by the  
44 **[director]** chief administrator.

45 c. The holder of the provisional license shall not use any  
46 interactive wireless communication device, except in an emergency,  
47 while operating a moving passenger automobile on a public road or  
48 highway. "Use" shall include, but not be limited to, talking or



1 listening on any interactive wireless communication device or  
2 operating its keys, buttons or other controls. In addition, the holder  
3 of the provisional license shall ensure that all occupants of the  
4 vehicle are secured in a properly adjusted and fastened seat belt or  
5 child restraint system.

6 d. In addition to any other penalties provided under law, the  
7 holder of a provisional license who accumulates more than two  
8 motor vehicle points or is convicted of a violation of R.S.39:4-50;  
9 section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189  
10 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of  
11 N.J.S.2C:12-1 or any other motor vehicle law the **[director]** chief  
12 administrator deems to be significant and applicable pursuant to  
13 regulation shall, for the first violation, be required to satisfactorily  
14 complete a remedial training course of not less than four hours  
15 which may be given by the **[division]** commission, a drivers'  
16 school licensed by the **[director]** chief administrator pursuant to  
17 section 2 of P.L.1951, c.216 (C.39:12-2) or any Statewide safety  
18 organization approved by the **[director]** chief administrator. The  
19 course shall be administered pursuant to rules and regulations  
20 promulgated by the **[director]** chief administrator and subject to  
21 oversight by the **[division]** commission. The authority of the  
22 **[director]** chief administrator to suspend, revoke or deny issuance  
23 of an initial or renewal license to operate a drivers' school or an  
24 instructor's license, and to assess fines, pursuant to P.L.1951, c.216  
25 (C.39:12-1 et seq.) shall apply to any violations related to the  
26 administration of a remedial training course. The permit holder  
27 shall also remit a course fee prior to the commencement of the  
28 course.

29 e. When notified by a court of competent jurisdiction that a  
30 provisional license holder has been convicted of a second or  
31 subsequent violation, in addition to any other penalties provided  
32 under law, the **[director]** chief administrator shall, without the  
33 exercise of discretion or a hearing, suspend the provisional license  
34 for three months, and shall postpone eligibility for a basic license  
35 for an equivalent period. In addition, when the **[director]** chief  
36 administrator is notified by a court of competent jurisdiction that a  
37 provisional license holder has been convicted of any alcohol or  
38 drug-related offense unrelated to the operation of a motor vehicle,  
39 and he is not otherwise subject to any other suspension penalty  
40 therefor, the **[director]** chief administrator shall, without the  
41 exercise of discretion or a hearing, suspend the provisional license  
42 for six months.

43 f. The chief administrator shall provide the holder of a  
44 provisional license with two removable, transferable, highly visible,  
45 reflective decals indicating that the driver of the vehicle may be the  
46 holder of a provisional license. The decals shall be designed by the  
47 chief administrator. The chief administrator may charge a fee for

1 the decals not to exceed the actual cost of producing and  
2 distributing the decals. The decals shall be displayed on the front  
3 and back of the vehicle while the vehicle is being driven by the  
4 holder of a provisional license, in a manner prescribed by the chief  
5 administrator, provided they are clearly visible to law enforcement  
6 officers. The holder of a provisional license shall not operate a  
7 vehicle unless the decals are displayed. The decal shall be removed  
8 once the driver's provisional license period has ended.

9 g. A provisional license may be sent by mail and shall be  
10 clearly identifiable and distinguishable in appearance from a basic  
11 license by any name, mark, color or device deemed appropriate by  
12 the **【director】** chief administrator.

13 (cf: P.L.2001, c.420, s.8)

14  
15 4. Section 11 of P.L.2001, c.420 (C.39:3-13.8) is amended to  
16 read as follows:

17 11. A fine of \$100 shall be imposed for violating the following  
18 conditions of a special learners permit, an examination permit or a  
19 provisional driver's license:

- 20 a. supervision requirements for permit holders;
- 21 b. passenger restrictions;
- 22 c. hours of operation;
- 23 d. seat belt requirements;
- 24 e. interactive wireless communication device use restrictions;

25 **【or】**

26 f. any other violation of the conditions of a permit or  
27 provisional license as the **【director】** chief administrator may  
28 designate; or

29 g. decal requirements for permit and provisional license holders.

30 (cf: P.L.2001, c.420, s.11)

31  
32 5. This act shall take effect on the first day of the 13th month  
33 after enactment, but the Chief Administrator of the New Jersey  
34 Motor Vehicle Commission may take such anticipatory action  
35 necessary to implement the provisions of this act.

## 36 37 38 STATEMENT

39  
40 This bill would require holders of special learner's permits,  
41 examination permits, and provisional driver's licenses to display a  
42 decal on the front and rear of the motor vehicle they are driving so  
43 that it is apparent to law enforcement officers that the driver is the  
44 holder of such a permit or license.

45 Under the bill, the Chief Administrator of the Motor Vehicle  
46 Commission (MVC) is responsible for designing the decals. The  
47 two removable, transferable decals are to be highly visible, and they  
48 are to be reflective so that they can be seen at night. The holder of

1 the permit or provisional license is prohibited from operating a  
2 vehicle unless the decals are displayed. The decals are to be  
3 removed once the driver's special permit, examination permit, or  
4 provisional license period has ended. The bill authorizes the chief  
5 administrator to charge a fee for the decals not to exceed the actual  
6 cost of producing and distributing the decals.  
7 A violation of the decal requirement would result in a fine of  
8 \$100.